

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 03-1593**

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FRANK A. BALCAR,

Plaintiff - Appellant,

versus

BELL & ASSOCIATES LLC; HARRY F. BELL, JR., AIC Attorney; WILLIAM L. BANDS; AVEMCO INSURANCE COMPANY; A. CHURCHEY, West Virginia Resident Agent; CAROLE HARTMAN, West Virginia Resident Agent; JOHN WATSON, AIC Managing General Agent; GREGG A. PIKE, AIC Managing General Agent; RICHARD BOESCHEN; STEVEN M. HOMENDA, AIC Managing General Agent; GENE SCHEIL, AIC Managing General Agent; RICHARD HOMEL, AIC Managing General Agent; JAMES NELSON, AIC Vice President; JOHN DOES, I thru XX, as they may appear; THOMAS OFFUTT, AIC Assistant Vice President - Legal,

Defendants - Appellees.

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Appeal from the United States District Court for the Northern District of West Virginia, at Wheeling. Frederick P. Stamp, Jr., District Judge. (CA-02-2-5)

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Submitted: October 3, 2003

Decided: December 15, 2003

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Before NIEMEYER, MICHAEL, and MOTZ, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Frank A. Balcar, Appellant Pro Se. Harry Fullerton Bell, Jr., William L. Bands, BELL & BANDS, P.L.L.C., Charleston, West Virginia; Charles M. Love, III, Diana Leigh Johnson, BOWLES, RICE, MCDAVID, GRAFF & LOVE, P.L.L.C., Charleston, West Virginia, for Appellees.

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Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Frank A. Balcar appeals the district court's order imposing monetary sanctions against him. Balcar has failed to properly preserve the issue of sanctions for appeal by failing to allege any error by the district court in his informal brief. See 4th Cir. R. 34(b). Accordingly, we affirm on the reasoning of the district court. See Balcar v. Bell & Assoc., No. CA-02-2-5 (N.D.W. Va. Apr. 4, 2003). In addition, we have reviewed Balcar's response to our order to show cause as to why he should not be sanctioned for filing frivolous appeals and enjoined from filing further actions in this court unless he pays the sanctions and a district court finds that the action is not frivolous. We find his response fails to show cause why sanctions and an injunction should not be imposed. We therefore grant Appellees' motions for sanctions. Accordingly, having filed numerous frivolous appeals in this court from district court orders dismissing his civil complaints as frivolous and for failure to state a claim, Balcar is sanctioned \$500 for filing frivolous appeals and enjoined from filing further actions in this court unless he pays the sanction and a district court judge finds that the appeal is not frivolous. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED